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10/010,946	12/06/2001	Arthur Lipper III	LIPPER, Arthur-PA-I	5599

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OBER/KALER  
c/o Royal W. Craig  
120 East Baltimore Street  
Baltimore, MD 21202

05/31/2007

EXAMINER
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ZECHER, MICHAEL R

ART UNIT	PAPER NUMBER
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3609

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/010,946

Applicant(s)

LIPPER, ARTHUR

Examiner

Michael R. Zecher

Art Unit

3609

**2. The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s). (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. The following is a non-final, second Office action on the merits. Amendments received on May 14, 2007, have been acknowledged. Claims 1-11 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nevo et al. (U.S. 5, 946,666).

**As per claim 1**, Nevo et al. teaches an automated system for dynamic security price and value indexed comparison, comprising:

a central web server running supporting software including a spreadsheet for maintaining current and historical security market figures (See figure 1, and column 6, lines 1-17, which illustrates and discusses a processor linked to a server, Windows NT operating system capable of utilizing spreadsheets, and a data storage means for storing values that can be processed at a later time), and a security monitoring module for importing said security figures into the spreadsheet (See figure 1, which illustrates sensors, or monitors, capable of supplying measured values continuously or on demand), said central web server being individually accessible by subscribers (See column 6, lines 5-17, which discusses how the processor maintains network connectivity using cable or wireless communication).

Art Unit: 3609

a comparator & indexer applet also maintained on the central web server (See figure 1, #20, which illustrates a comparator within the processor) and accessible by said subscribers upon connection to said central web server to derive user-selected security data from the security market figures in the central server (See figure 2, which illustrates generating a security index value profile) and to calculate said user-selectable security data as indexed values relative to a single pivot security (See column 7, lines 13-15, which discusses tailoring the index profile to the individual characteristics of the security index value to be analyzed), and to display said user-selected security data arranged in a table of rows of user-selectable securities and columns of statistics derived for said user-selectable security data (See figure 5 & 6, which illustrate how the data is displayed on a video screen), said statistics selectively including indexed statistics (See figure 5 & 6, which illustrates security index values) and absolute statistics (See figure 5 & 6, which illustrate un-indexed financial statistics such as general information about the current state of the market (e.g. a security's performance indicator and an average security performance indicator));

whereby said automated system permits a user to compare, in both absolute and indexed terms, a plurality of statistics relating to a plurality of user-selected securities (See column 5, lines 10-45, which discusses security index values or financial parameters).

**As per claim 6**, Nevo et al. teaches a method for dynamic security price and value indexed comparison, comprising the steps of:

Art Unit: 3609

maintaining current and historical security market figures in the database for a plurality of securities (See column 6, lines 1-17, which discusses a data storage means for storing values that can be processed at a later time);

providing individuals access to said database for subscribers (See figure 1, and column 6, lines 17-20, which illustrate and discuss how the process comprises a user interface for transferring a system profile to the transformer across a signal line);

allowing each accessing subscriber to designate a subset of securities from said database (See figure 2, which illustrates generating a security index value profile);

allowing each accessing subscriber to designate one or more financial statistics to be calculated based on said historical security market figures (See column 5, lines 10-45, which discusses security index values or financial parameters), and displayed for each designated security (See figure 5 & 6, which illustrate how the data is displayed on a video screen);

allowing each accessing subscriber to designate one of said securities from said subset to be a pivot security (See column 7, lines 13-15, which discusses tailoring the index profile to the individual characteristics of the security index value to be analyzed);

calculating said financial statistics from said historical security market figures, and for each financial statistic calculating an indexed value relative to corresponding financial statistics for said pivot security (See figure 1, #20, and column 6, lines 52, through column 7, line 35, which illustrates and discusses a comparator within the processor that analyzes individual characteristics of a security index value).

Art Unit: 3609

displaying said financial statistics to said accessing user in both absolute terms and as said indexed values relative to the pivot security (See figure 5 & 6, which provides an illustration of security index values and un-indexed financial statistics such as general information about the current state of the market (e.g. a security's performance indicator and an average security performance indicator));

whereby said method permits accessing users to compare, in both absolute and indexed terms, a plurality of statistics relating to a plurality of user-selected securities (See column 5, lines 10-45, which discusses security index values or financial parameters).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nevo et al. (U.S. 5, 946,666) as applied to claims 1 and 6 above, and further in view of Reddy (U.S. 6,564,191).

**As per claims 2 and 7**, Nevo et al. discloses a method for dynamic security price and value indexed comparison that incorporates a comparator and index applet (See figure 1, #20, and column 6, lines 52, through column 7, line 35, which illustrates and discusses a comparator within the processor that analyzes individual characteristics of a security index value).

Art Unit: 3609

However, Nevo et al. fails to expressly disclose that the comparator index applet is a Java applet that allow[s] each accessing subscriber to designate a subset of securities from said database, designate one or more financial statistics, designate a pivot security, calculate said financial statistics, and display said financial statistics to said accessing user dynamically and in real time.

Reddy discloses a computer-implemented method for performance measurement consistent with an investment strategy (See abstract).

Both Nevo et al. and Reddy disclose methods for monitoring financial securities. Reddy expressly discloses a Java applet (See column 11, lines 17-24, and Figure 10 which depict and discuss the users on the Internet interacting with the computer-implemented performance measurement method by using a web browser; a Java applet is simply defined as a web browser) that allow[s] each accessing subscriber to designate a subset of securities from said database, designate one or more financial statistics, designate a pivot security (See column 4, line 21, which discusses designating a security symbol, the investment amount, etc.) calculate said financial statistics (See column 4, lines 25-55, which discuss calculating the internal rate of return) and display said financial statistics to said accessing user dynamically and in real time (See column 4, line 56, which indicates the calculation is displayed to the investor). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nevo et al. to include a web browser that allows a user to designate a subset of securities, financial statistics, and a specified security as taught by Reddy in order calculate and display the price and value comparison.

**As per claims 3 and 8**, Nevo et al. fails to expressly disclose said Java applet [that] allows each accessing user to designate, calculate, and display said one or more financial statistics in spreadsheet form by rows corresponding to each designated security and columns of each financial statistic as either absolute values, or as indexed values relative to said pivot security.

Both Nevo et al. and Reddy disclose methods for monitoring financial securities. Reddy expressly discloses a Java applet [that] allows each accessing user to designate, calculate, and display said one or more financial statistics in spreadsheet form by rows corresponding to each designated security and columns of each financial statistic as either absolute values, or as indexed values relative to said pivot security. (See Figures 4 and 8 which depict a table showing a portfolio analysis and Modeling and Forecasting data). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nevo et al. to include a web browser that formulates spreadsheets portraying portfolio analysis and forecasting trends of specified securities as taught by Reddy in order to provide details and "what if " scenarios to the investor about investment and performance for individual securities.

**As per claims 4 and 9**, Nevo et al. fails to expressly disclose one or more financial statistics includ[ing] any subset among the group comprising...dividend yield (ttm)...per share book value (ttm)....

Both Nevo et al. and Reddy disclose methods for monitoring financial securities. Reddy expressly discloses one or more financial statistics includ[ing] any subset among the group comprising...dividend yield (ttm)...per share book value(ttm)... (See tables 4



Art Unit: 3609

and 5 in column 6 and 7, which depict a dividend & interest income, retrieved as a content variable, computed with investment parameters to estimate a closing price).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nevo et al. to compare security price and value using financial statistics such as dividend yield or per share book value as taught by Reddy in order to provide the investor a comprehensive set of investment analysis tools.

**As per claims 5 and 10**, Nevo et al. fails to expressly disclose allowing said accessing user to compare the designated securities based on personalized opportunity costs.

Both Nevo et al. and Reddy disclose methods for monitoring financial securities. Reddy expressly discloses allowing said accessing user to compare the designated securities based on personalized opportunity costs (See Table 10 in column 10 which allows investors to vary their investment amounts in relation to their investment goals) . Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nevo et al. to allow investors to strategize how varying designated securities would affect their investment goals as taught by Reddy in order to analyze the performance of financial security consistent with a long term investment strategy.

**As per claim 11**, Nevo et al. fails to expressly disclose wherein the step of maintaining current and historical security market figures in a database for a plurality of securities is implemented as a second Java applet, and said first and second Java applets cooperate to maintain said spreadsheet display updated in real time.

Art Unit: 3609

Both Nevo et al. and Reddy disclose methods for monitoring financial securities.

Reddy expressly discloses wherein said step of maintaining current and historical security market figures in a database for a plurality of securities is implemented as a second Java applet, and said first and second Java applets cooperate to maintain said spreadsheet display updated in real time (See Figure 10 which describes and gives an overview of the implementation of the method of performance measurement with an investment strategy in a computer system connected to the Internet). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nevo et al. to use more than one web browser in creating a security price and value comparator and indexer where one web browser maintains current and historical market figures and another web browser cooperates to display a correlating spreadsheet as taught by Reddy in order to execute browser requests and application logic in a more proficient manner.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fernholz (U.S. 5,819,238) discloses an apparatus and accompanying methods for automatically modifying a financial portfolio through dynamic re-weighting based on a non-constant function of current capitalization weights.

Art Unit: 3609

Anderson (U.S. 6,064,985) discloses an automated portfolio management system with Internet Datafeed.

Fried (U.S. 6,035,286) discloses a computerized system and method for creating a buyback stock investment report.

Michaeud et al. (6,003,018) discloses portfolio optimization means of resampled efficient frontier.

Barr et al. (U.S. 5,761,442) discloses method for selecting a portfolio of securities using data relating to a corresponding security.

Bloom et al. (U.S. 6,061,663) discloses index rebalancing.

"BondEdge Version 4.1 Released with New Global Functionality" (PR Newswire) discloses a portfolio analytical system that offers comparisons and index reporting.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Zecher whose telephone number is 571-270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRZ

 5/29/07  
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SUPERVISORY PATENT EXAMINER